

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

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UNITED STATES OF AMERICA

Plaintiff

-vs-

RICKY OGLETREE

Defendant

: CASE NO. 1:06CR565

: ORDER ACCEPTING PLEA
: AGREEMENT AND JUDGMENT AND
: NOTICE OF HEARING

UNITED STATES DISTRICT JUDGE LESLEY WELLS

This case is before the Court on a Report and Recommendation filed by United States Magistrate Judge Nancy A. Vecchiarelli regarding the change of plea hearing and plea agreement of Ricky Ogletree which was referred to the Magistrate Judge with the consent of the parties.

On 6 December 2006, the government filed a two-count indictment against Ricky Ogletree for conspiracy to distribute cocaine base and cocaine in violation of 21 U.S.C. § 846, distribution of cocaine base in violation of 21 U.S.C. § 841(a)(1) and § 841(b)(1)(C). On 3 January 2007, a hearing was held in which Ricky Ogletree entered a plea of not guilty before Magistrate Judge Patricia A. Hemann, waived his right to a detention hearing and executed a waiver. On 28 June 2007, Magistrate Judge Vecchiarelli received Ricky Ogletree's plea of guilty and issued a Report and Recommendation

("R&R") concerning whether the plea should be accepted and a finding of guilty entered.

Neither party submitted objections to the Magistrate Judge's R&R in the ten days after it was issued.

On de novo review of the record, the Magistrate Judge's R&R is adopted. Ricky Ogletree is found to be competent to enter a plea. He understands his constitutional rights. He is aware of the charges and of the consequences of entering a plea. There is an adequate factual basis for the plea. The Court finds the plea was entered knowingly, intelligently, and voluntarily. The plea agreement is approved.

Therefore, Ricky Ogletree is adjudged guilty of the lesser offense in Count One, conspiracy to distribute cocaine base (crack), in violation of 21 U.S.C. § 846 and § 841(b)(1)(C).

Sentencing will be:

9 October 2007 at 11:00 a.m.

Courtroom 19-A
18th Floor, United States District Court
801 West Superior Avenue
Cleveland, Ohio 44113

IT IS SO ORDERED.

Dated:

20 July 07

UNITED STATES DISTRICT JUDGE